

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

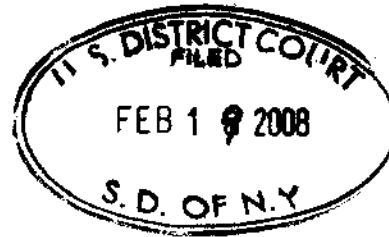
-----X  
FREDERICO GIOVANNELLI,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.  
-----X



07 CIVIL 3069 (JSR)

**JUDGMENT**

Whereas on 27, 2007, the Honorable Theodore H. Katz, United States Magistrate Judge, having issued a report and recommendation ("report") recommending that the Court deny petitioner's motion to vacate, set aside or correct sentence under 28 U.S.C. 2255, and the matter having come before the Honorable Jed S. Rakoff, United States District Judge, and the Court, thereafter, on February 15, 2008, having rendered its Order adopting the report, dismissing the petition, and directing the Clerk to enter judgment, it is,

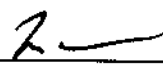
**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated 15, 2008, the report is adopted and the petition is dismissed; the Court finds that because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue; the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Order dated February 15, 2008 would not be taken in good faith.

**DATED:** New York, New York  
February 19, 2008

**J. MICHAEL McMAHON**

\_\_\_\_\_  
Clerk of Court

BY:

  
\_\_\_\_\_  
Deputy Clerk.

**THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_**